



**TRADE NAME
REGISTRATION**
SECRETARY OF STATE
SFN 13401 (06-2006)

FOR OFFICE USE ONLY

ID Number:	
WO Number:	
Filed:	By:
Expiration Date:	

SEE REVERSE SIDE FOR FEES, FILING AND MAILING INSTRUCTIONS

**1. FILING FEE \$25.00
Five Year Registration**

TYPE OR PRINT LEGIBLY

For reference, see North Dakota Century Code, Chapter 47-25.

2. Trade Name:				
3. Address of the principal place of business: (Street, RR, PO Box)		City:	State:	Zip Code + 4:
4. The nature of the business transacted: (In detail)				
5. Trade name is used and owned by: (Select one)				
<input type="checkbox"/> Individual <input type="checkbox"/> Corporation incorporated in state of _____				
<input type="checkbox"/> Husband & Wife <input type="checkbox"/> Limited Liability Company organized in state of _____				
<input type="checkbox"/> Other - Define (See instructions)				
6. Telephone number of owner:		7. Toll-free telephone number:		
8. The name of the individual(s), corporation, or the limited liability company, using the trade name, their Federal ID/Social Security Number, and the address of their principal place of business.				
NAME	FEDERAL ID/ SOCIAL SECURITY NUMBER	Street/RR	PO Box	City State Zip Code + 4
9. "I (We), the owner(s), say that I (we) have read the foregoing registration, know the contents thereof, and believe the statements made to be true."				
Signature:			Date:	
Signature:			Date:	
10. Name of person to contact about this form:		E-Mail Address:		Daytime telephone number and extension, if any:

INSTRUCTIONS FOR TRADE NAME REGISTRATION

Any person, corporation, or limited liability company that engages in business in North Dakota under a trade name must register that trade name with the Secretary of State. The registration of the trade name is mandated by law and may be required in order to obtain certain licenses or permits, or to obtain certain privileges such as bank accounts in the trade name.

A trade name is defined by law to be a name assumed to identify the business or activities of an individual or organization and which does not include in the name:

- (1) The true name of the organization using the name;
- (2) The first name and surname of each individual using the business name; or
- (3) The surname of each individual, repeating a surname if more than one owner has the same surname. (e.g. a business owned by three Johnson brothers would need to be identified as Johnson, Johnson & Johnson _____)

A name assumed under subparagraph 3, or a name of an organization or association not otherwise registered with the Secretary of State, requires registration as a trade name if a license or permit to conduct business or operations is required by the State of North Dakota.

The trade name registration provides protection of the name. A trade name filed with the Secretary of State prevents the filing of a trademark or another name that is the same as or deceptively similar by any corporation, limited liability company, any other trade name, fictitious partnership name, limited liability partnership, limited liability limited partnership or limited partnership. In the event that a name is used, which is deemed to be the same as or deceptively similar to a trade name that is registered, the registrant of such trade name may institute a civil suit prohibiting the further use of the name. (See North Dakota Century Code, Section 47-25-01.)

If the trade name submitted for registration is the same as, or similar to a name already registered, the owner of the proposed trade name must obtain a "consent to use of name" from the previously registered entity. The original copy of the "consent to use of name" authorization must be filed with the Secretary of State, along with \$10, before the submitted trade name registration form can be filed.

The following numbers correspond to the numbered sections on the front of this form.

1. The registration fee is **\$25.00** and the registration period is five years. Checks must be payable to "Secretary of State" and must be for U.S. negotiable funds. Payment may also be made by credit card using VISA, Master Card, or Discover.
2. Provide the trade name to be registered. The trade name may not contain the word "corporation", "company", "incorporated", "limited liability company", or "limited", or an abbreviation of one of such words unless the trade name is owned by a corporation or limited liability company.
3. Provide the complete address of the principal place of business.

In this section, an address must include either a street address or rural route number and/or a post office box number if required for mailing purposes, in addition to the city, state, and zip code plus 4.

4. Provide a detailed description of the nature of business to be transacted under the trade name.
5. Select the organizational structure which best defines the owner.

If the owner is a corporation or limited liability company, include the state of origin. **A domestic corporation or domestic limited liability company must have articles on file and be in existence with the Secretary of State before a trade name will be accepted for registration. THE REGISTRATION OF A TRADE NAME IS NOT AUTHORITY FOR A FOREIGN CORPORATION OR FOREIGN LIMITED LIABILITY COMPANY TO TRANSACT BUSINESS IN NORTH DAKOTA. A foreign corporation or foreign limited liability company must secure a certificate of authority before transacting business or obtaining any license or permit in North Dakota.**

If the owner is a general partnership, a limited partnership, a limited liability partnership, or a limited liability limited partnership, DO NOT CONTINUE COMPLETION OF THIS FORM UNLESS A FICTITIOUS NAME CERTIFICATE IS ALREADY FILED. A general partnership, limited partnership, limited liability partnership, and limited liability limited partnership is required by law to file a Fictitious Name Certificate which achieves the same purpose of name protection (see North Dakota Century Code, Chapter 45-11). A blank form for the Fictitious Name Certificate can be obtained by contacting the Office of the Secretary of State.

If the owner of the trade name is an organizational structure defined as "other" and not mentioned above, the acceptance of a trade name will be assessed on a case-by-case basis. Clearly define any business structure classified as "other".

6. The telephone number of the owner's principal place of business is required.
7. If the owner has a toll free telephone number, please list.
8. Provide the full name(s) of the individual(s), corporation, or limited liability company using the trade name, their Federal ID or social security number(s), and complete mailing address(es) of their principal place of business. If a corporation or limited liability company is the owner or user of the trade name, provide the name of the corporation or limited liability company in this section. Do not list shareholders, officers, or members. (See number 3 for definition of complete address.)

If a corporation or limited liability company is registered with the Secretary of State, the principal place of business address must correspond to that declared in the separate corporate or limited liability company registration with the Secretary of State. Any future name change required for the separate registration of the owner will require a simultaneous change to the trade name registration. When notice is received in the form of an annual report of an owner indicating that the address of the principal place of business is changed in the separate registration, such notice automatically effects a change of address in the Trade Name Registration.

Privacy: In compliance with N.D.C.C. 47-25-08, the social security number or Federal ID number on this form are not disclosed to the public. They are used by the Secretary of State to maintain accurate Trade Name registration files. Therefore, while voluntary disclosure is requested, failure to do so will not result in rejection of the registration.

9. The registration must bear signatures of all listed owners and the date when each signed.
10. Provide the name, email address, daytime telephone number, and extension, if any, of the person to contact for any issues related to this application. Having a contact person will save you time and money if this office has questions or needs additional information for filing the registration.

EXPEDITING PROCESS: If the trade name registration is being submitted by someone other than the owner, provide a cover letter with the name and telephone number of the responsible individual so that any deficiencies on the form can be remedied by telephone.

EMAIL: Email is not a secure utility for the transmission of private information or credit card authorizations. **DO NOT EMAIL YOUR DOCUMENT TO THE SECRETARY OF STATE.**

FAX FILING: The document and Credit Card Payment Authorization may be faxed to 701-328-2992. A faxed filing does not expedite the process of the application in the office of the Secretary of State.

MAILING INSTRUCTIONS: Send registration form and \$25.00 to:

Secretary of State
State of North Dakota
600 E Boulevard Ave Dept 108
Bismarck ND 58505-0500

Telephone: 701-328-4284 Toll Free: 800-352-0867 (8-4284) Fax: 701-328-2992 Web Site: www.nd.gov/sos

RENEWALS: Every trade name certificate filed with the Secretary of State must be renewed every five years from the date of the initial filing. Forms for renewal are prescribed by the Secretary of State and will be sent to the address of the principal place of business of the owner at least ninety days before the deadline for filing. To insure delivery of a renewal notice it is imperative that the owner's principal place of business address be maintained current with the Secretary of State.

CANCELLATION: If anyone fails to file the renewal when due, the Secretary of State shall cancel the trade name registration. The registration will also be canceled by the Secretary of State when the registrant is a corporation, limited liability company, limited partnership, limited liability partnership, or limited liability limited partnership that has failed to file an assignment and has ceased to exist for six months.



CREDIT CARD PAYMENT AUTHORIZATION

SECRETARY OF STATE
SFN 51478 (06-03)

(All items required to complete transaction)

Name:				
Address:		City:	State:	Zip Code:
<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover		Signature: (Required by credit card companies)		
Account Number:		V #	Card Expires: Month Year	
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